

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. _____

SUBJECT:

FOR: JUNE 2003 BOARD MEETING

TO BE PRESENTED BY: Lloyd Eagan, Director, Bureau of Air Management

SUMMARY: This request seeks adoption of revisions to Chapter NR 446, Control of Mercury Emissions and related chapters. In December 2000 the Board granted a petition that was signed by several legislators and representatives of environmental organizations, conservation organizations, sporting clubs and lake associations. The petition requested adoption of rules to limit mercury emissions to the atmosphere under authority of s. 285.11(9), Wis. Stats. In June 2001 the Board approved public hearings on the proposed rules.

Five public hearings were held in September and October 2001. In addition, two advisory groups, a citizen committee and technical work group, have had opportunity to meet at length to examine significant issues raised in public comments and provide their recommendations for resolution of these issues. Public comment received at the public hearings and during the comment period was extensive. At the five public hearings over 100 individuals gave statements. In addition, during the comment period over 60 detailed written comments were received from businesses, electric utilities, associations and organizations. More than 2000 cards and letters from citizens supporting the rules were also received.

The principal areas of concern for stakeholders are the schedule and the level of mercury emission reductions for major utilities, the potential for the proposal to affect electric reliability, industry's responsibility to limit mercury air emissions, the effect of reductions, and the interaction between the proposed rules and potential federal requirements yet to be enacted. Significant changes have been made to the rules based on public comments received. Although changes have been made the focus of the revised rules has not changed. The revised rules are being proposed to achieve mercury emission reductions from facilities operated by the states' four major electric utilities.

RECOMMENDATION: Adopt the revisions to NR 446 and related chapters.

LIST OF ATTACHED MATERIALS:

No <input type="checkbox"/>	Fiscal Estimate Required	Yes <input checked="" type="checkbox"/>	Attached
No <input type="checkbox"/>	Environmental Assessment or Impact Statement Required	Yes <input checked="" type="checkbox"/>	Attached
No <input type="checkbox"/>	Background Memo	Yes <input checked="" type="checkbox"/>	Attached

APPROVED:

Bureau Director, Lloyd L. Eagan

Date

Administrator, Jay G. Hochmuth

Date

Secretary, Scott Hassett

Date

cc: Linda Jahns - AD/5
Carol Turner - LS/5

L. Eagan - AM/7

STAFF REVIEW - DNR BOARD AGENDA ITEM

REMINDER

Have the following questions been answered under the summary section of this form?

- Why is the rule needed?
- What are the significant changes?
- What are the key issues/controversies?
- What was the last action of the Board?

LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background memo (if needed)*

Background Memo (if needed)*

Fiscal Estimate

Response Summary

Environmental Assessment (if needed)

Fiscal Estimate

Rule

Environmental Assessment (if needed)

Rule

- * If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Environmental Analysis and Review			
Management and Budget			
Legal Services -Program Attorney -Carol Turner			
Other (if applicable)			